



OFFICE *of* GOVERNMENT INFORMATION SERVICES

April 23, 2015 — Sent via email

██████████
████████████████████

Re: Case No.: 201500530
NG: CM: KG

NATIONAL
ARCHIVES
and RECORDS
ADMINISTRATION

8601 ADELPHI ROAD
OGIS
COLLEGE PARK, MD
20740-6001

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e-mail: ogis@nara.gov
phone: 202-741-5770
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Dear ██████████

This responds to your request for assistance from the Office of Government Information Services (OGIS), which we received on March 19, 2015 via email. Your request for assistance pertains to your records request to the Federal Bureau of Investigation (FBI).

OGIS was created to complement existing FOIA practice and procedure; we strive to work in conjunction with the existing request and appeal process. The goal is for OGIS to allow, whenever practical, the requester to exhaust his or her remedies within the agency, including the appeal process.

OGIS provides mediation services to resolve disputes between FOIA requesters and Federal agencies. After opening a case, OGIS gathers information from the requester and the agency to learn more about the nature of the dispute. OGIS then decides how and whether to proceed on the request for assistance. Please know that OGIS has no investigatory or enforcement power, nor can we compel an agency to release documents. OGIS serves as the Federal FOIA Ombudsman and our jurisdiction is limited to assisting with the FOIA process.

OGIS staff carefully reviewed the correspondence you submitted with your request for assistance. I understand that you made a request to the FBI for records on two topics, the ██████████

████████████████████ and ██████████

You originally submitted a request for public records to the ██████████ Department of Police (██████ PD). In its ██████████ response, ████████ PD informed you that the department was not the custodian of the documents you requested and suggested you contact the FBI. You contacted the FBI's Houston field office, and that office instructed you to submit FOIA requests to FBI headquarters. On ██████████ you made your request to the FBI. The FBI divided your request into the two topics referenced above. On ██████████ the FBI issued a final determination letter for your request for records pertaining to ██████████, stating the agency was unable to identify main file records responsive to your request. On ██████████ the FBI issued a final determination letter for your request for records on ██████████ and again, the agency stated it was unable to identify main file records responsive to your request.



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You appealed this determination on ██████████. In your appeal you asked that the agency expand its search from just “main file records” and include the “cross” and “see” files that are held in FBI field offices. On ██████████ the Department of Justice’s Office of Information Policy (OIP) responded to your appeal, affirming the FBI’s actions on your request.

OGIS contacted both OIP and FBI regarding your case. OIP’s Senior Attorney, Matthew Hurd, affirmed that when FBI search their Central Records System (CRS), or “main files,” the search includes the agency’s field offices and “cross” and “see” files. FBI FOIA Public Liaison Dennis Argall, also affirmed that the agency searched through all of their files for responsive documents based on the topics and dates you provided. Both OIP and FBI explained to OGIS that FBI would not investigate the two topics, or have records related to them, unless either a crime occurred or there was a threat that a crime might occur. Further, while the FBI might have had an agent on the ██████████ Task Force that was in existence in 2002, that doesn’t necessarily mean the FBI would have had records on the topic you requested. Both offices suggested that if you think a crime occurred, you may wish to resubmit a FOIA request with the topic, dates, and what type of crime you believe occurred. This information will help determine how the agency searches its files.

I hope you find this information useful in understanding why the FBI responded to your request as it did. At this time, there is no further assistance OGIS can offer. Thank you for bringing this matter to OGIS. We will close your case.

Sincerely,

/s/

Nikki Gramian, Acting Director
Office of Government Information Services (OGIS)

cc: Dennis J. Argall, FOIA Public Liaison, Federal Bureau of Investigations
Matthew Hurd, Senior Attorney, Department of Justice, Office of Information Policy